Housing for people, not profit

Tenant Inquilino

Vol 35, No. 4
April 2005

Metropolitan Council on Housing
339 Lafayette St.
New York, NY 10012

PERIODICAL

Mayoral Housing Debate

Three Dems Back Rent Freeze; Republican Repeats Market Mantras

By Steven Wishnia

With tenant groups striving to make the city's housing crisis a major issue in this year's mayoral campaign, the four Democratic candidates—former Bronx Borough President Fernando Ferrer, Manhattan Borough President C. Virginia Fields, City Council Speaker Gifford Miller, and Congressmember Anthony Weiner—and one token Republican, investment banker Steven Shaw, squared off in a forum April 4 at Fashion Institute of Technology.

The four Democrats all pledged support for tenants, endorsing most of the agenda drawn up on eight specific issues by the forum's organizers, Met Council, New York State Tenants & Neighbors Coalition, and Coalition for the Homeless. Fields said affordable housing would be "my top priority"; Miller said there is "nothing more important." And all four ripped Mayor Mike Bloomberg. Ferrer charged that "New Yorkers are getting priced out of their own town" while the mayor "thinks it's more important to subsidize major-league football stadiums." Weiner said Bloomberg had "contempt" for the political process, and his administration "measures too much of our success as a city by whether property values are rising."

Bloomberg declined an invitation, and was represented by an empty chair, as was his further-right-wing rival, former Queens Councilmember Thomas Ognibene. Shaw, the one Republican candidate who did show up, lost the crowd early on, when he said he opposed rent regulations because they "kill home ownership." "I don't believe the government should tell landlords how much money they can make," he added later. He mainly served as a Bloomberg surrogate, a straw man for the four Democrats to attack and a good-natured target for booing.

Despite the rhetorical stances, the four Democrats were somewhat short on specifics. All four said they would work to repeal the state's Urstadt law, which denies the city home rule on rent regulations, but the main ideas they had for actually getting that through Albany were lobbying the Legislature and electing a Democratic majority in the state Senate in 2006.

Fields, Miller and Weiner also endorsed having the Rent Guidelines Board freeze rents for a year. (Ferrer had left by the time the question came up.) Miller said that picking who is on the RGB is "the most important appointment a mayor can make," but the current board "never takes into account that the returns landlords are getting are going up and up and up." He said he would pick RGB members who understand that there is a real difference between a 4 percent rent increase and a freeze. Unlike Fields and Weiner, he said he would be willing to have the Council confirm his appointees.

On the issue of whether Battery Park City revenues promised for affordable housing should actually be used for that purpose, both Ferrer and Fields said yes; Miller and Weiner had not yet arrived. Fields said the nearly $1 billion in BPC money could be used to "leverage private investment."

All four Democrats backed the concept of inclusionary zoning, that developers should have to devote part of new residential buildings for affordable housing. "If we give landlords the value of upzoning, we have to take

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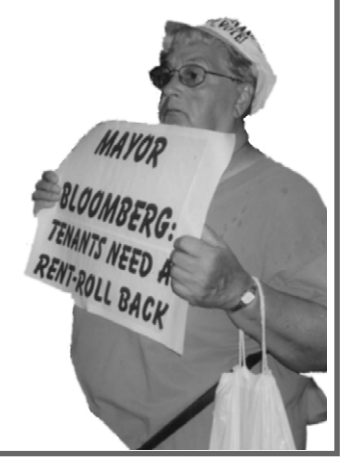
Protest Rent Increases!

Friday, April 22, 9:00 a.m.
Protest Against Phony Price Index!
NYC Rent Guidelines Board
City Planning Commission
22 Reade St., Manhattan

Sunday, May 1, 2-3 p.m.
Picket!
Mayor Bloomberg's Townhouse
17 East 79 St., Manhattan



East Side Eviction Scam

Landlord Tries to Claim 15-Unit Building for a Family of Three

By Steven Wishnia

"Your tenancy is hereby terminated as of said date," read the papers tenants at 47 East Third St. began to receive in August 2003, shortly before their leases expired. "Furthermore, the Landlord will not renew your lease based upon the fact that Alistair Economakis seeks possession… for use as Alistair Economakis' primary residence in New York City."

Economakis and his wife, Catherine, have been trying to take advantage of the law that lets landlords take over a rent-regulated apartment for their own personal occupancy. Tenants in the Lower East Side building say the Economakises are trying to turn a legal loophole into the Holland Tunnel: The couple wants to empty the entire five-story, 15-apartment building to create a home for themselves, their baby, and a live-in nanny.

That would mean evicting 24 people, including two families with small children, from 11 apartments in the building. The endangered tenants, most of whom have lived there for more than a decade, say the Economakises are just pulling a scam to drive them out so they can either sell the building or charge market rate for the apartments. The current tenants pay from $600 to $1,200 a month rent.

"It's a real abuse of what's intended by the law," says the tenants' lawyer, Stephen Dobkin. The tenants have asked the State Supreme Court to declare the landlord's plan illegal, and several are fighting their individual eviction proceedings in Housing Court.

Tenants say Catherine Economakis, who acquired an interest in the building along with her father, Peter Yatrakis, in 2001, began trying to oust them immediately. Ursula Kinzel, who's lived there 20 years, says they hired a private investigator who posed as a UPS deliveryman to see if she was still living with her old roommate. Two longtime tenants were evicted in 2002.

"They're very bold, aggressive, and predatory about what they do," says David Pultz, who's lived there since 1978, as he sits at a table in Kinzel's sunlit fifth-floor apartment. "They have this sense that we are in their way," chimes in 12-year resident Lauren Zambrano, "that by being rent-stabilized tenants and wanting to live here, we're the ones doing something wrong."

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State Bond-Doggle

By Alyssa Katz

Only on Manhattan's Upper East Side would a one-bedroom apartment for a senior citizen cost $760,000 to build.

That's what the Related Capital Company, Arker Companies and the Metropolitan Council on Jewish Poverty (not affiliated to Met Council on Housing) plan to spend—$9.1 million in all to purchase and demolish a 100-year-old townhouse at 231 East 77th St. and construct 12 new units for low-income elderly. (The purchase price alone was $3.5 million.) To do it, they're asking for more than half of that amount in the form of a limited public subsidy: tax-exempt bonds from the state Housing Finance Agency.

That's not the only help the project is getting. The developers are also bringing in $7.1 million in permanent financing via Manhattan's longstanding but little-used inclusionary zoning program, in which developers of high-rise apartments are eligible for "density bonuses" allowing them to build an extra four square feet of market-rate space for every one square foot of affordable housing they construct nearby. That program is distinct from the inclusionary zoning recently approved for use on the far West Side of Manhattan and under consideration in Williamsburg and Greenpoint—but the possibility that projects may be gorging on subsidies has important implications for the new plans.

At a recent hearing on the proposed bonds, housing advocates pleaded with HFA not to approve them. "This development far exceeds the usual cost per unit of HFA projects, raising questions about whether these scarce bonds are being made to stretch to benefit as many low- and moderate-income people as possible," testified Stephanie Greenwood of Good Jobs New York, a group that watches public subsidies. "Given the limited nature of tax-exempt bonds for housing and the high demand for them elsewhere in the city, [the] price tag seems disturbingly high."

"The project should be able to be built without the use of bonds," Martin Dunn of Dunn Development told HFA staff. "The amount of bonds being asked for this project could finance 50 units, or 90 units of rehab." Noting that some of his own supportive housing projects had been rejected for HFA financing, Dunn added that "there are never enough tax-exempt bonds for all the public uses that want them." Last year, HFA issued $896.1 million in bonds.

The financing for 231 East 77th is "still in the customer review process," said HFA spokesperson Tiffany Bern. She did not provide a timeframe for a decision.

Through a measure meant to conserve precious housing-subsidy dollars, the old inclusionary zoning program, launched in 1987, broadly bars participating developers from using funds from other government programs. But the proscription is vague enough that certain kinds of public subsidies have come to be accepted by government agencies. According to Carol Abrams, spokesperson for the city Department of Housing Preservation and Development, "HFA tax-exempt bond financing... is allowed under the Inclusionary Housing program," provided the bonds are used for construction only.

In a major shift, the Hudson Yards and proposed Brooklyn zoning plans encourage developers to take full advantage of public subsidies to make it feasible to produce the affordable housing. The move is long overdue, argues Frank Braconi, executive director of the Citizens Planning and Housing Council. "Layering subsidies is the name of the game in affordable housing," he said. "Nobody does projects with just one subsidy." That said, he added, HFA could stand to have its financing decisions examined more closely. "It's a black box. There's no transparent criteria so a project can be evaluated."

Brad Lander, executive director of the Pratt Institute Center for Community and Environmental Development, testified that the new inclusionary zoning programs need to be monitored carefully to ensure maximum public benefit. "The city is talking about combining subsidies," he said. "That's got to have a lot of careful scrutiny."

Sol Arker, principal of Arker Companies, declined to disclose which new market-rate high-rise will benefit from the density bonus. It is not a project of the Related Companies, he asserted.

But at the HFA hearing, members of ACORN had the last word. About 20 adults and children, many of them living in overcrowded or unaffordable apartments, came to Midtown from upper Manhattan and the Bronx to plead for attention to their own dire housing needs. "We want to know where the money is going," testified member Linnette Serreiras. "As a person who wants housing for her kids, I want to know."

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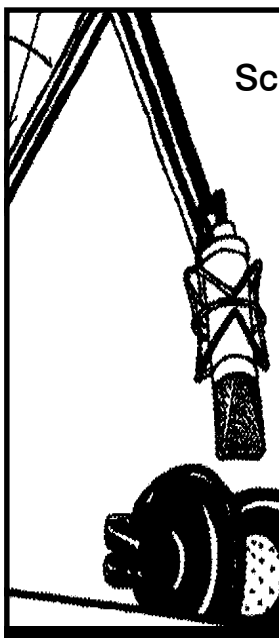

Scott Sommer hosts Met Council's

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Tenant Inquilino — Housing for people, not profit

is published monthly except August by Metropolitan Council on Housing (Met Council, Inc.), 339 Lafayette St., NY, NY 10012 (212) 979-6238

Tenant/Inquilino is distributed to members and to affiliated organizations of Met Council as part of their membership. Subscriptions are $5 per year for individuals, $10 for institutions per year.

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Articles, letters, artwork and photographs are welcome. Text furnished on Microsoft Word for Macintosh is preferred. 3.5" MACINTOSH OR IBM FORMATTED DISKETTES ARE PREFERRED.

Periodicals postage paid at New York, NY
Postmaster: Send address changes to: TENANT/INQUILINO 339 Lafayette St. New York, NY 10012

Metropolitan Council on Housing, founded in 1958, is incorporated as Met Council, Inc., a membership organization dedicated to decent, affordable, integrated housing.

ISSN-1536-1322 ©2005

EL INQUILINO HISPANO

Foro de candidatos para la alcaldía

Por Steven Wishnia
Traducido por Lightning Translations

Con organizaciones de inquilinos esforzándose por hacer de la crisis de vivienda en la ciudad una cuestión de mayor importancia en la campaña para la alcaldía este año, los cuatro candidatos demócratas—el antiguo presidente del condado del Bronx Fernando Ferrer, la presidenta del condado de Manhattan C. Virginia Fields, el vocero del concejo municipal Gifford Miller y el congresista Anthony Weiner—además de un republicano de muestra, el banquero de inversiones Steven Shaw, se enfrentaron en un foro el 4 de abril en el Fashion Institute of Technology.

Los cuatro demócratas prometieron apoyo para los inquilinos, respaldando la mayoría del programa trazado sobre ocho cuestiones específicas por los organizadores del foro, Met Council, New York State Tenants & Neighbors Coalition y Coalition for the Homeless. Fields dijo que la vivienda asequible sería "mi prioridad más alta"; Miller dijo que "no hay nada más importante." Los cuatro arremetieron contra el alcalde Mike Bloomberg. Ferrer acusó que "se han aumentado tanto los costos que los neoyorquinos no pueden vivir en su propia ciudad," mientras el alcalde "cree que es más importante subvencionar estadios de fútbol americano de las mayores ligas." Weiner dijo que Bloomberg tenía cierta "desprecio" por el proceso político y que su gobierno "mide nuestro éxito como ciudad demasiado en cuanto si los valores de propiedad aumentan."

Bloomberg rehusó una invitación y fue representado por una silla vacía, así como su rival aun más del ala derecha, el antiguo concejal de Queens Thomas Ognibene. Shaw, el único candidato republicano que acudió al foro, perdió al público muy pronto, cuando dijo que se oponía a la regulación de rentas porque ésta "mata la posesión del hogar." "No creo que el gobierno deba decir a los caseros cuánto dinero pueden ganar," añadió posteriormente. Sirvió principalmente como sucedáneo de Bloomberg, una figura de paja al cual los cuatro demócratas atacaron y el blanco afable de abucheos.

Pese a las posturas retóricas, los cuatro demócratas no ofrecieron mucho en específico. Los cuatro dijeron que trabajarían para revocar la ley estatal Urstadt, que prohíbe la autonomía de la ciudad en torno a las regulaciones de renta, pero las ideas principales que tenían para hacer que esto sea realidad en Albany fueron cabildear a la legislatura y elegir una mayoría demócrata en el senado estatal en 2006.

Fields, Miller y Weiner también

pasa a la página 4

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 36)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2004 hasta el 30 de septiembre de 2005.

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2004. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2004. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

Los Contratos para Apartamentos Vacíos o Nuevos En junio de 1997, el gobernador George Pataki, al intentar destruir la regulación de rentas, forzó cambios que les dieron a los caseros un recargo muy grande por los apartamentos vacíos. Una cláusula de la "Reforma al Acta de Regulación de Renta" de 1997 permite que los nuevos alquileres sean incrementados en un porcentaje obligatorio: 20% para un contrato de dos años, y por un contrato de 1 año, 20% de incremento menos la diferencia en el tope de renovación para los contratos de 1 y 2 años. La ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

Exceso de Cobro Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión del apartamento, puede escoger entre llenar un formulario de queja de exceso de cobro de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario, o búsquelo en el sitio www.dhcr.state.ny.us.

La Apelación de la Renta de Mercado Justa Otro tipo de exceso de cobro sucede frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el "Tope Especial de la Renta de Mercado Justa," el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado "Apelación a la Renta Justa de Mercado" (FMRA). Según la Orden 36, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada "Renta Legal Inicial Regulada" (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de "Apelación a la Renta Justa de Mercado" como de "exceso de cobro." La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

Exención de Incrementos para las Personas de Mayor Edad: Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de $24,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 2.5 por ciento por un contrato de un año y un 5.5 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación

No habrá ningún aumento de la renta este año para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos). No se permiten incrementos para apartamentos vacíos.

La Desregulación de Rentas Altas y Altos Ingresos (1) Los apartamentos que legalmente se alquilan por $2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde del 1ro de abril de 1994 son sujetos a la desregulación. (2) La misma desregulación se les aplica, para el mismo período establecido en (1), a los apartamentos que legalmente pagan $2,000 o más mensualmente aunque no se desocupen, si el ingreso total de la familia es más de $175,000 en los dos años consecutivos previos. Para cumplir los requisitos de esta segunda forma de desregulación, el casero tiene que enviarle un formulario de certificación de ingreso al inquilino entre el 1ro de enero y el 1ro de mayo, así como someter dicho formulario al DHCR y conseguir su aprobación.

Para pautas previas, llame a la RGB al 212-385-2934 o busque el sitio www.housingnyc.com.

Tipo de Contrato	Renta Legal Actual		Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	Si el dueño paga la calefacción		3.5%	6.5%
	Si el inquilino paga la calefacción		3%	6%
Contratos para Apartamentos Vacíos	Más de $500	Incrementos por desocupación cobrados en los últimos 8 años	17%	20%
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 17%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Menos de $300	Incrementos por desocupación cobrados en los últimos 8 años	17% + $100	20% + $100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 17% + $100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + $100
	Renta de $300 a $500	Incrementos por desocupación cobrados en los últimos 8 años	17% o $100, lo que sea mayor	20% o $100, lo que sea mayor
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 17%, o $100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o $100, lo que sea mayor

Foro de candidatos

viene de la página 3

respaldaron que la Junta de Renta Regulada (RGB) congele las rentas por un año. (Ferrer ya se había ido antes de que se hiciera la pregunta.) Miller dijo que elegir a quienes componen la junta es "el más importante nombramiento que puede hacer un alcalde," pero que la junta actual "nunca toma en cuenta que las ganancias que consiguen los caseros suben cada vez más." Dijo que elegiría miembros de la RGB que entienden que hay una diferencia real entre un incremento de 4 por ciento y una congelación. A diferencia de Fields y Weiner, Miller dijo que estaría dispuesto a que el concejo aprobara sus nombramientos.

Sobre la cuestión de si los ingresos de Battery Park City prometidos para vivienda asequible deben en realidad ser usados para este propósito, tanto Ferrer como Fields dijeron que sí; Miller y Weiner no habían llegado todavía. Fields dijo que los casi mil millones de dólares en dinero de BPC se pueden usar como un "poder multiplicador para la inversión privada."

Los cuatro demócratas apoyaron el concepto del planeamiento urbano de inclusión, el cual establece que los especuladores deben dedicar una parte de nuevos edificios de residencias a vivienda asequible. "Si damos a los caseros el valor de ajustes al alza en el planeamiento urbano, tenemos que tomar algo para el pueblo," dijo Miller. "Nuestro planeamiento urbano debe reflejar nuestros valores," añadió Weiner. Fields apoyó la idea que los especuladores deben devolver algo y dijo que debe ser obligatorio y permanente. Ferrer lo llamó un "empleo inteligente" de las tierras y recursos públicos. Fueron menos específicos sobre cuál debe ser el porcentaje de unidades asequibles en realidad. Miller citó el 28 por ciento en el nuevo planeamiento urbano de Hudson Yards, mientras Weiner sugirió 60-20-20, con un 20 por ciento de vivienda de clase media sumado a la tradicional fórmula de 80 por ciento de lujo/20 por ciento para los de bajos ingresos. Shaw fue el único crítico, aseverando que el planeamiento urbano de inclusión subvenciona a los vecindarios que no necesitan inversiones y podría estimular el exceso de urbanización.

¿Garantizarían el derecho a albergue para cualquier persona sin techo? Miller dijo que "no hay nada más fundamental" y criticó la política de Bloomberg que requiere que las víctimas de violencia doméstica muestren un informe policial antes de que puedan entrar en los albergues. Fields dijo que remarcaría la prevención, al incrementar los tratamientos para drogadicción y salud mental y crear trabajos. Se preguntó porqué las tapaderas de las bocas de acceso a drenaje de la ciudad no se pueden hacer aquí en vez de en la India.

Fields, Miller y Weiner todos apoyaron incrementar los fondos de vivienda de apoyo para los mentalmente enfermos y Weiner atacó al gobernador Pataki por no haber cumplido el acuerdo "New York, New York" para otorgar vivienda a los sin techo y a Bush por haber cortado el programa Sección 202, que da subvenciones a los caseros que proveen vivienda a los discapacitados.

Sobre la pregunta en torno a la conservación y expansión de la vivienda subvencionada por el gobierno, Shaw empezó por apoyar fechas límites en la vivienda pública, diciendo que no se supone que debe ser "un modo de vivir." Los inquilinos de proyectos Mitchell-Lama, añadió, tenían 20 años para buscar vivienda alternativa. "Si no tienes ninguna esperanza de que la gente pueda pagar más, nunca sucede," dijo.

Weiner replicó que los republicanos que se quejan de que la gente se queda en la vivienda pública por demasiado tiempo le recuerdan la definición clásica de la palabra judía "chutzpah": alguien que mata a sus padres para luego pedir merced por ser huérfano. Notó que el gobierno de Bush ha cortado drásticamente los programas que ayudan a la gente a conseguir vivienda privada; Nehemiah para poseer un propio hogar, la Sección 8 para los que alquilan y la Sección 202.

Fields dijo que cabildearía al estado por más fondos para vivienda pública y por una ley que pondría los apartamentos de Mitchell-Lama en el programa de estabilización de rentas si los caseros ponen los edificios fuera del programa. Miller dijo que quería promulgar una ley para permitir a los inquilinos en aquellos edificios comprar sus apartamentos y señaló el trabajo que había hecho en torno a la cuestión. Añadió que conservar la vivienda asequible es una prioridad.

Los cuatro candidatos que quedaron—los tres demócratas y Shaw—apoyaron la expansión del programa SCRIE para incluir a los discapacitados. "Es nuestra responsabilidad moral," dijo Miller. Weiner dijo que extendería el programa para cubrir a las personas mayores de clase media, a quienes "se les está empujando hacia la pobreza."

Una encuesta de salida del público descubrió que alrededor de un 25 por ciento de las 261 personas que contestaron pensaban que Miller tenía las mejores respuestas, con Fields y Weiner muy cerca de esta cifra. Ferrer, que tenía que salir temprano, recibió un 8 por ciento. "La moraleja: no salga temprano," bromeó un funcionario de Tenants & Neighbors.

No se quede helado: ¡ORGANIZESE!

La ley requiere que su casero proporciona calefacción y agua caliente a las temperaturas siguientes, desde el 1ro de octubre hasta el 31 de mayo:

Desde las 6 a.m. hasta las 10 p.m.: Si la temperatura afuera es de menos de 55 grados, la temperatura adentro debe ser al menos de 68 grados en todo el apartamento.

Desde las 10 p.m. hasta las 6 a.m.: Si la temperatura afuera es de menos de 40 grados, la temperatura adentro debe ser al menos de 55 grados en todo el apartamento.

Se tiene que proporcionar agua caliente a un mínimo de 120 grados en el grifo las 24 horas del día, todo el año.

Si su casero no mantiene estas temperaturas mínimas, usted debe:

- Comenzar una "Acción HP" (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al 311 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en ingles) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigue la participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de "congelen"!) todas las rentas.
- Necesitarán una fuerte asociación de inquilinos para obligar al casero a proporcionar calefacción y agua caliente. Escriban y llamen al casero para demandar reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)—de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

- Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, ¡disculpe!—mientras espere que lo haga.)
- Una multa de $250 to $500 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).
- Una multa de $1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

¡Cuidado! ¡proteja su dinero! Si los inquilinos deciden comprar el combustible, hay que seguir los procedimientos legales cuidadosamente. Consiga la ayuda y el consejo de un organizador de inquilinos. La existencia de leyes de calefacción y agua caliente vigentes no garantiza que el gobierno las implemente. No se quede helado por esperar que la ciudad o el estado actúe. ¡Organízese!

Battery Park City Protest

Clad in pajamas, shower caps, and hair curlers, housing activists staged a mock move-in at Battery Park City March 15 to demand that the city make good on its 1989 agreement to spend $1 billion over 20 years on affordable housing.

The agreement stipulated that in lieu of property taxes, the Battery Park City Authority would provide $400 million in bonds and $600 million in surplus revenue, with the goal of creating 24,000 affordable housing units citywide. But the city has found a loophole in the agreement that allows it to use funds to plug gaps in the city's budget. Since the agreement, only $143 million in bonds has been spent on 1,557 affordable housing units in Harlem and the Bronx, and no affordable units have been built in Battery Park City. Meanwhile, luxury apartment complexes have blossomed.

Jodie Velez, who lives in a homeless shelter, carried a sign that read "Cumpla la promesa" at the protest. "It would be nice if I actually had a place to move into," she said.

The city and state agreed to use surplus revenue from the Battery Park City Authority to build affordable housing in other parts of the city. The authority currently shifts some of its surplus into a "Joint Purpose Fund," which has not yet been earmarked for any specific project. Tenants are pressuring the city to use that fund, which is expected to accumulate $40 million each year over the next five years, for affordable housing.

—Bennett Baumer

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Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311.

Also call 311 to reach the Department of Buildings and other city agencies.

Preferential Rents May Remain Despite New Law

By Kenny Schaeffer

Tenants paying "preferential rents"—that is, those whose landlords rented them their apartments for less than the maximum they could legally charge under rent stabilization—should not have to pay more than the normal rent-guidelines increase when they renew their lease, according to experts in the law.

That is true despite an amendment to the state's rent laws enacted in 2003 by the state legislature, which says that landlords can ignore a preferential rent when a lease is renewed. For example, if the legal maximum for an apartment is $1,000 a month but the landlord agreed to rent the apartment for $900, the amendment says the landlord can raise the rent to the legal maximum—the $1,000—plus the renewal increase allowed by the Rent Guidelines Board, instead of basing the new rent on the $900 plus the RGB guideline.

However, as tenant attorney John Gorman points out, landlords are only allowed to invoke this new law if they can meet a two-prong test. First, the landlord must prove that there really is a higher "lawful" rent. At a minimum, this higher rent must have been listed in both in the leases and renewals and in the annual certifications the owner is required to file with the state Division of Housing and Community Renewal. Even if that rent is listed, it may not be lawful unless there is an actual basis for it. (In many cases, landlords make up a completely fictitious "maximum legal rent," hoping that if the tenant ever leaves, the next tenant's rent can be based on that higher rent and will not be challenged.) Tenants should be aware of the four-year limit on challenging rents, and should file an overcharge complaint if in doubt.

The second test a landlord has to meet to end a preferential rent is establishing that there was no agreement with the tenant that the preferential rent would continue for the duration of the tenancy. In a few cases, the language of the lease will clearly indicate whether the preferential rent will continue when the lease is renewed. When the lease is not clear on this point, however, as Gorman points out, external evidence of the parties' intent and expectations can be considered.

Prior to the 2003 amendment and to a recent court case called *Missionary Sisters*, it was universally recognized that a preferential rent was a "term and condition of the tenancy" that had to be recognized with all lease renewals for the duration of the tenancy, regardless of whether this was expressly written into the lease. For this reason, most tenants have a chance to preserve their preferential rents from challenges under the 2003 amendment—if they can show that based on the totality of statements and representations by the landlord, they understood that the preferential rent would remain for the life of their tenancy.

If you are in this position, you should find out your rights at once, and it may be worth your while to hire a lawyer or try to obtain representation or advice from civil legal services if eligible. *For more information, call Met Council's tenant hotline, (212) 979-0611, on Monday, Wednesday, or Friday from 1:30 to 5 p.m.*

HPD CODE VIOLATIONS ON LINE

Look up your building!

At long last, the HPD violations terminal is available on-line. If you go to the HPD Website listed below and follow the instructions, you should be able to get an up-to-date list of violations on a building.

www.nyc.gov/html/hpd/html/data/hpd-online-portal.html

Forum

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something for the public," said Miller. "Our zoning should reflect our values," added Weiner. Fields seconded the notion that developers should give something back, and said it should be mandatory and permanent. Ferrer called it an "intelligent use" of public land and resources. They were less specific about what the actual percentage of affordable units should be. Miller cited the 28 percent in the Hudson Yards rezoning, while Weiner suggested 60-20-20, with 20 percent in middle-class housing added to the traditional 80 percent luxury/20 percent low-income formula.

Shaw was the one critic, saying that inclusionary zoning subsidizes neighborhoods that don't need investment and could stimulate overdevelopment.

Would they guarantee a right to shelter for anyone homeless? Miller said there is "nothing more fundamental," criticizing Bloomberg's policy of requiring domestic-violence victims to show a police report before they can get into the shelters. Fields said she would emphasize prevention, increasing drug and mental-health treatment and creating jobs. Why can't the city's manhole covers be made here instead of in India, she wondered.

Fields, Miller, and Weiner all backed increasing funds for supportive housing for the mentally ill, with Weiner attacking Governor Pataki for reneging on the "New York/New York" agreement for housing the homeless and Bush for cutting the Section 202 program, which gives subsidies to landlords who provide housing for the disabled.

On the question of preserving and expanding publicly subsidized housing, Shaw started off endorsing time limits for public housing, saying it's not supposed to be "a way of life." Mitchell-Lama tenants, he added, had 20 years to find alternate housing. "If you don't expect people to be able to afford more, it'll never happen," he said.

Weiner responded that Republicans complaining that people are staying too long in public housing reminds him of the classic definition of the Yiddish word chutzpah: Someone who kills his parents and then begs for mercy because he's an orphan. The Bush administration has slashed programs that help get people into private housing, he noted; Nehemiah for home ownership, Section 8 for renters, and Section 202.

Fields said she'd lobby the state for more funding for public housing and for a law that would put Mitchell-Lama apartments into rent stabilization if their landlords take their buildings out of the program. Miller said he wanted to enact a law to let tenants in those buildings buy their apartments, and cited his work on the issue. Preserving affordable housing is a priority, he added.

All four—the three Democrats and Shaw—supported expanding the SCRIE program to include disabled people. "It's our moral responsibility," said Miller. Weiner said he'd extend the program to cover middle-class seniors, who are being "pushed into poverty."

An exit poll of the crowd found that about 25 percent of the 261 people who answered thought Miller had the best answers, with Fields and Weiner close behind. Ferrer, who had to leave early, got around 8 percent. "Moral of the story: Don't leave early," quipped a Tenants & Neighbors official.

Don't Freeze—Organize!

The law requires your landlord provide heat and hot water at the following levels from October 1 through May 31:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

If your landlord does not maintain those minimum temperatures, you should:

- Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike — but get legal advice first.

The heat laws also provide for:

- The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- A $250 to $500 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- A $1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

Caution! Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

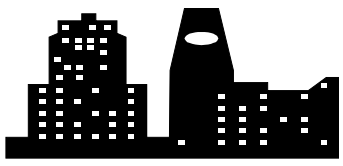
Home Rule Moves Forward

By Kenny Schaeffer

The campaign to restore New York City's home rule over rents and eviction is moving forward. On April 12, City Council Speaker Gifford Miller introduced a home-rule resolution calling upon the state Legislature to pass the Krueger-Lopez bill (S.2735, A.4523) and end 34 years of Albany mismanagement of the city's rent regulations. The home-rule bill—a formal declaration by the Council that the measure is critical to the city's interests—will then go to the state and federal legislation committee. Miller has promised that it will come to the floor for a vote with his strong support.

State Sen. Liz Krueger was also scheduled to call for a roll-call vote on her "motion to petition"—a parliamentary procedure which is the only way to get a bill to the Senate floor without the approval of the majority leader, Joseph Bruno. In the past, several downstate Republican state senators with substantial tenant constituencies have claimed to support restoring home rule, but if they do not vote for Krueger's motion, the measure will never see the light of day. "Make no mistake about it, any state senator who does not vote for the motion to petition Sen. Krueger's bill is no friend of tenants," says Met Council director Jenny Laurie. "The entire state legislature is up for election again in 2006, and we are watching this vote very closely to see who to go after next year." In November 2004, Republicans lost three Senate seats, and a loss of four more will end their majority.

Mayor Bloomberg has expressed support in the past for home rule over rent regulations, but his first deputy mayor, Daniel Doctoroff, whose portfolio includes housing, is a close ally of the real-estate industry who has expressed contempt for the idea. All four Democratic candidates for mayor have expressed support for home rule, and the Working Families Party has indicated that it intends to make a major push to repeal the Urstadt Law.



Attention All On-line!

If you have an e-mail address, join the Met Council "ACTIVE! list." We'll send you alerts about demonstrations, hearings and other activities. Simply send us a message, subject heading "subscribe", to:

active@metcouncil.net

Zoning

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community's benefit."

Housing groups are also organizing a series of fundraising events called "Don't Supersize Brooklyn," including a fashion show and concert.

In downtown Brooklyn, developer Bruce Ratner is vying to move the New Jersey Nets basketball team sports team into New York by building an arena for them along Atlantic Avenue. Local residents continue to protest the plan, which would displace several blocks of homes and businesses.

Harlem and Uptown

Construction crews will break ground on the Harlem Park development, a 29-story, $236 million glass tower at 125th Street and Park Avenue that will be anchored by a Marriott Courtyard hotel. The tower will also house market-rate rentals and other commercial space. In exchange for approving rezoning the area for high commercial use, Community Board 11 got a "community benefits agreement" (CBA) from the developer, 1800 Park Avenue LLC. The CBA sets goals for hiring women and minorities for well-paying jobs at the Marriott and for "good faith" efforts to hire "qualified community residents" for construction jobs on the project—but does not include any affordable housing.

On Harlem's west side, Columbia University is looking to rezone areas along 125th Street so it can expand. Community Board 9 is working with the university, and is asking for additional green space and living-wage jobs. The city has commissioned the River to River study to make zoning recommendations along 125th Street.

The city has also created the Sherman Creek Planning Initiative to study rezoning the waterfront at the northern tip of Manhattan for a mix of light industry and luxury condos.

NYC Rent Guidelines Board Adjustments (Order No. 36)

for Rent Stabilized Leases commencing Oct. 1, 2004 through Sept. 30, 2005

Lease Type	Current Legal Rent		One-year Lease	Two-year Lease
Renewal Leases	Landlord pays heat		3.5%	6.5%
	Tenant pays heat		3%	6%
Vacancy leases	More than $500	Vacancy allowance charged within last 8 years	17%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than $300	Vacancy allowance charged within last 8 years	17% plus $100	20% plus $100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allow–ance, plus 17% plus $100	0.6% times number of years since last vacancy allow–ance, plus 20% plus $100
	Rent $300 to $500	Vacancy allowance charged within last 8 years	17% *or* $100, whichever is greater	20% *or* $100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%, *or* $100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, *or* $100, whichever is greater

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2004. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2004. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

Sublease Allowance

Landlords can charge a 10 percent increase during the term of a sublease that commences during this guideline period.

Vacancy Leases

In June 1997, Governor George Pataki, as a part of his efforts to destroy rent regulation, forced changes that gave landlords large vacancy bonuses. Provisions of his Rent Regulation Reform Act of 1997 allow the rents of apartments to rise by a statutory percentage: 20 percent for a 2-year lease, and 20 percent minus the difference between the 1- and 2-year renewal guidelines for 1-year leases. The law also allows additional vacancy increases for apartments which have had no vacancy allowance in eight or more years.

Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses, and the tenant's unfamiliarity with the apartment's rent history, to charge an illegal rent. The tenant can choose between filing an overcharge complaint with the Division of Housing and Community Renewal or challenging the rent in Housing Court to get a determination of the legal rent.

A prospective tenant who expresses knowledge of their rights will probably not be given a lease to sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge possible overcharge. With DHCR, obtain and fill out *Form RA-89* to determine the correct rent from official records. Call DHCR at (718) 739-6400 to obtain the form or go to: www.dhcr.state.ny.us

Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board annually sets what they call the "Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 36, it is HUD Fair Market Rent or 50% above the maximum base rent., whichever is higher. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is $24,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 2.5 percent for a one-year lease and 5.5 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The board voted to freeze rents for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms). No vacancy allowance is permitted. Landlords cannot collect an increase over the rent charged on September 30, 2004 between October 1, 2004 and September 30, 2005.

High-rent, High-income Deregulation

(1) Apartments legally renting for $2,000 or more a month that became vacant from July 7, 1993 through October 1, 1993, or on April 1, 1994 and thereafter are subject to deregulation. (2) The same deregulation applies in the time periods set forth in (1) above to apartments legally renting for $2,000 or more a month without their becoming vacant if the total household income exceeds $175,000 in each of the prior two consecutive years. To be eligible for this second form of deregulation, the landlord must send an income certification form to the tenant between January 1 and May 1 and file it with and get the approval of DHCR.

For previous guidelines call the RGB at 212-385-2934 or go to www.housingnyc.com.

Granite

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Economakis swears that the couple genuinely plans to live there. "We've represented to the tenants that we'll take out guarantees, bonds, whatever," he says. The Economakises now share a building with Catherine's parents, occupying the top floor of their five-story brownstone in Cobble Hill. Their plan for the Third Street building includes five bedrooms, six bathrooms, and a gym.

If the Economakises evicted the Third Street tenants and then didn't move in, there probably wouldn't be much of a penalty for it, according to Dobkin. The rent-*control* law, he explains, says that landlords who fraudulently claim personal use are liable for treble damages, three times the difference between the evicted tenants' old rent and what they now have to pay, but the rent-*stabilization* law is much vaguer. The only penalty it specifies is that the landlord can't increase rents on any rent-stabilized apartments left in the building—which in this case would be none.

The tenants have already spent around $75,000 in legal fees. "You're watching everything you've saved since high school drain out of your account," says Zambrano. "We're not going to be able to continue forever. They're counting on that." "If they empty the building and sell it for four or five million dollars, then $300,000 in legal fees is peanuts," adds Kinzel.

Economakis insists repeatedly that he wants to meet with the tenants, but they've refused. "The only time we hear of any of their concerns is through the media," he says. "I don't know what they want."

"We want to live here. That's the bottom line," says David Pultz.

Tenants would meet with the Economakises, says 12-year resident Barry Paddock, but "we're not going to negotiate how we're going to be evicted."

"We're part of the community," says Lauren Zambrano. "We have people who have kids in school here, who are in arts organizations. And where else would we go?"

"We want to stay in our homes," says Ursula Kinzel.

"That's the one thing that I'm not willing to compromise on," says Economakis. "It's just not a possibility."

Economakis says this is the only building that he and his wife own. That is technically true; Catherine Economakis and Peter Yatrakis acquired it in a complex bankruptcy transaction beginning in 2001, through a series of limited-liability corporations connected to Granite International Management, a Brooklyn-based company headed by Yatrakis. The limited-liability corporation that held the building's title gave it to Catherine and Alistair Economakis on August 20, 2003, eight days before the couple started telling tenants that their leases would not be renewed. "They engineered our building in a way that they are the sole owners, because that's the only way they could do owner occupancy," says Kinzel.

Both Economakises are key players in Granite, which operates at least two dozen buildings in the Lower East Side, Chelsea, Harlem, and downtown Brooklyn. "It's been a practice of theirs to push out the long-term tenants as the neighborhood's gotten kind of trendy," says Chandra Henderson, who lives in a Granite building at 363 West 17th St.

"They've been returning portions of my rent and then send out statements that don't list the payments, overstating how much is due," says Luellen Sheddy, a photographer who lives in a Granite building on East Tenth Street. She says they also send out statements that include rent not yet due for upcoming months, and then claim that all of it is outstanding, so "I have to go to court as a result and get repeated orders to show cause."

"Too much bad behavior to go on about," she adds. The building's boiler was "abysmal" for more than eight years; in the winter of 2003-04, tenants only got "real heat" for a total of about two weeks. Even after the boiler was replaced in September 2004, "they had to be forced to put heat on when it was cold."

"My living room ceiling caves in every year due to a leak upstairs and the bathroom has caved in twice," says Christine Cafiero, another tenant in the West 17th Street building. "Now they want to raise my rent $155 a month because they say the plumbing was redone. My ceiling just caved again last week. Plus they say the increase is due to the boiler being replaced, but my cold water hardly ever works. Super hot water all the time. I shower at the gym."

Chandra Henderson, a model and acting teacher, says that when her lease expired last fall, Granite tacked a $500 increase onto her rent, which had been slightly over $900. They told her that they had been giving her a "preferential rent," and they were now rescinding that discount.

Henderson, who moved into the building in 1994, says her lease has never said anything about a preferential rent, that her original lease said "market rate." Granite took over in 1995, she recalls, and "Peter Yatrakis tried to insinuate that I wasn't a real tenant. I had to take them to court to get a renewal lease.

"I've heard I have a pretty good case, but it's going to be a huge expensive hassle," she continues. "It's kind of like a war of attrition."

The Third Street tenants, who have formed an association with tenants in other Granite buildings, say the phony preferential-rent claim is a common Granite technique to raise rents. "We've been hearing from a lot of tenants in that situation," says Barry Paddock. "They moved in forever ago, and they can't find their original lease."

"We want to educate people not to be intimidated," says Jane Dunson, who's lived at 47 East Third for 15 years. "One of the best things tenants can do is call them on their bluff."

STEVE WISHNIA

Tenants at 47 E. 3rd St. Their landlord wants to evict everyone in the building.

Alistair Economakis says he is "not authorized" to discuss any other Granite buildings.

The practice of landlords claiming that they want whole buildings as their primary residence is also "becoming more common," says Stephen Dobkin. The Economakises' lawyer, Peter A. Rose—in partnership with notorious slumlord Robert Ohebshalom—is trying to empty a four-story building at 75 Jane St. Harriet and Steven Croman, who are also represented by Rose, want to evict tenants from a six-story building at 12 East 72nd St. to create an 8,000-square-foot space for themselves and their two children.

Alistair Economakis insists that he really is going to live at 47 East Third St. "I'm not able to move into a house that I own," he complains. Does he have a problem with evicting people to do that? "Right before we started we reached out and tried to contact the tenants and discuss our plan," he answers.

Does Economakis have any remorse about kicking out everyone in a 15-apartment building? Well, it's really only 11 apartments, he says. (Two are vacant and two are occupied by Economakis relatives, according to tenants.) And actually, it's only ten, because one tenant is over 62, so they're legally required to give him a comparable apartment. "We're perfectly willing to do that," he says.

"We've always tried to resolve this in an amicable manner," he continues. "We're not taking the position that 'that's what we're going to do and that's it.' We realize that this is a difficult situation and we'd like to assist them."

Peter Yatrakis was a little blunter in a letter he sent to City Councilmember Margarita Lopez in April 2004 after she criticized the eviction plan. The building's tenants, he wrote, opted not to choose "hard work, sacrifice, loans, and dreams deferred." Instead, he said, they chose "to take advantage of very, very low rents."

Senior Citizen Rent Increase Exemption (SCRIE)

Are you 62 years or older? Do you pay 1/3 of your income or more for rent, and is your household income $24,000 or less after taxes? Apply today for the Senior Citizen Rent Increase Exemption to see if you qualify for this benefit, which freezes your rent.

SCRIE exempts rent-controlled, rent-stabilized, Mitchell-Lama, and rent-regulated hotel tenants from most rent increases. (If you live in a Mitchell-Lama, see building management. Other limited-equity developments such as Penn South are covered as well.) There is no limit on assets, and in measuring household income, you need only report what roommates contribute for rent, not what they earn.

How to apply

You can apply for the rent-increase exemption with the New York City Department for the Aging by calling 311 (ask for the Department for the Aging, or a SCRIE application); by visiting the agency, writing them, or visiting a local senior center. You can also get a copy of the application off the agency's Web site, and use their "Benefit Quick Check" to see what benefits, including SCRIE, you qualify for. Go to *www.nyc.gov/html/dfta/html/16benefits.html* and scroll down to the SCRIE section.

NYC Department for the Aging
SCRIE
2 Lafayette Street, 6th Floor
New York, NY 10007

Bloomberg's Dream: High-Rises Everywhere

By Bennett Baumer

If Mayor Bloomberg has his way, he will leave a city transformed by massive development, from the West Side football stadium to a wall of luxury towers on the riverfront in Brooklyn. The vehicle for this is the planned rezoning of several large areas of the city, which will change the character of entire neighborhoods.

The rezoning is fueled by developers seeking to build large commercial developments and luxury high-rises, renting them for as much as the market will bear. However, New Yorkers are responding in innovative ways, trying to compel developers to build with the community's interests in mind.

West Side of Manhattan

In an outcome as preordained as pro wrestling, the Metropolitan Transportation Authority unanimously approved selling its West Side railyards, between West 30th and West 33rd streets and 10th and 11th avenues, to the New York Jets football team for $720 million. Vigorously supported by construction unions and some influential Democrats, the proposed Jets stadium has drawn the ire of housing organizations.

Though the MTA approved the sale, the deal is not done. Activist groups are vowing to oppose the Jets in court, and the plan has not yet been approved by the Public Authorities Control Board. That board is expected to make a decision in the summer, after the International Olympic Committee convenes to choose the host of the 2012 Summer Games. The Dolan family, who own Cablevision, has also filed a lawsuit to stop the stadium deal.

Bloomberg also plans to rezone the area of West Chelsea, south of the stadium site to 16th Street, for luxury high-rises. Neighborhood activists are demanding that any development contain at least 30 percent affordable housing. The Department of City Planning held a hearing April 6, and dozens of Chelsea residents voiced support for mandatory affordable housing.

"We did as well as we could do," said Met Council member Gloria Sukenick, who lives in Chelsea. "The commissioners are philosophically opposed to mandatory anything."

In the Bronx, the Bloomberg administration plans to convert the Terminal Market, located under the Major Deegan Expressway, into a strip mall. The market houses a plethora of ethnic-food vendors and peddlers of all sorts of vegetables and fruits. Bloomberg has offered the tenants an $8 million buyout package, though a group called the Bronx Terminal Market Preservation Association is opposing it. Many of the small-time food vendors say they won't be able to stay in business if they have to move out of the area.

Williamsburg/North Brooklyn

Housing groups in Williamsburg and Greenpoint are battling with developers that want to turn the north Brooklyn waterfront into "a wall" of high-rent high-rises. Mayor Bloomberg is proposing a rezoning along the industrial waterfront in order to build luxury towers 150-350 feet tall. The development will also include a promenade only open to the public during certain hours. The mayor's proposal seems to disregard the 197-a planning documents created by Community Board 1 and other groups as a blueprint for development.

North Brooklyn groups are fighting back and asking the City Council to veto the plan if drastic measures are not taken. "We want a public funded promenade and we're asking for 40 percent affordable housing," said Eve Sibley of the Williamsburg Warriors. "We want development, but we want the development for the

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NYC Rent Guidelines Board

2005 Schedule of Meetings and Hearings

see page one for protest information

Friday, April 22
Public Meeting
Dept. of City Planning, Spector Hall, 22 Reade St., Manhattan
9:30 a.m.—12:30 p.m.

Monday, May 2
Public Meeting
(Invited Group Testimony)
Dept of City Planning, Spector Hall, 22 Reade St., Manhattan
9:30 a.m.—5:30 p.m.
Apartment Tenants: 9:45 a.m.—11:45 a.m.; Apartment Owners: 1:00 p.m.—3:00 p.m.; Hotel Tenants: 3:15 p.m.—4:00 p.m.; Hotel Owners: 4:00 p.m.—4:45 p.m., Deliberation: 4:45 p.m.—5:30 p.m.

Tuesday, May 3
Public Meeting
(Preliminary Vote)
Great Hall at Cooper Union
7 E. 7th St. (at corner of 3rd Ave.), Manhattan
5:30 p.m.—9:30 p.m.

Thursday, June 2
Public Meeting
Department of City Planning
Spector Hall, 22 Reade St., Manhattan
9:30 a.m.—12:30 p.m.

Tuesday, June 14th
Public Hearing
(Public Testimony)
NYC College of Technology, Kiltgord Auditorium
285 Jay St., Brooklyn
4:00 p.m.—10:00 p.m.

Thursday, June 16
Public Hearing
(Public Testimony)
Great Hall at Cooper Union
7 E. 7th St. (at corner of 3rd Ave.), Manhattan
10:00 a.m.—6:00 p.m.

Tuesday, June 21
Public Meeting (Final Vote)
The Great Hall at Cooper Union
7 E. 7th St. (at corner of 3rd Ave.), Manhattan
5:30 p.m.—9:30 p.m.

For more information, contact the New York City Rent Guidelines Board, (212) 385-2934; e-mail, Ask@HousingNYC.com.

WHERE TO GO FOR HELP

LOWER EAST SIDE BRANCH at Cooper Square Committee
61 E. 4th St. (btwn. 2nd Ave. & Bowery)
Tuesdays ..... 6:30 pm

CHELSEA COALITION ON HOUSING
Covers 14th St. to 30th St., 5th Ave. to the Hudson River.
322 W. 17th St. (basement), CH3-0544
Thursdays ..... 7:30 pm

GOLES (Good Old Lower East Side)
525 E. 6th St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.

HOUSING COMMITTEE OF RENA
Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,
544 W. 157th St. (basement entrance).
Thursdays ..... 8 pm

LOWER MANHATTAN LOFT TENANTS
St. Margaret's House, Pearl & Fulton Sts., 212-539-3538
Wednesdays ..... 6 pm-7 pm

VILLAGE INDEPENDENT DEMOCRATS
26 Perry St. (basement), 212-741-2994
Wednesdays ..... 6 pm

WEST SIDE TENANTS UNION
4 W. 76 St.; 212-595-1274
Tuesday & Wednesday ..... 6-7 pm

METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public
Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

We can briefly answer your questions, help you with organizing or refer you to other help.

212-979-0611

Join Met Council

Membership: Individual, $25 per year; Low-income, $15 per year; family (voluntary: 2 sharing an apartment), $30 per year. Supporting, $40 per year. Sustaining, min. of $100 per year (indicate amount of pledge). For affiliation of community or tenant organizations, large buildings, trade unions, etc. call 212-979-6238.

My apartment ❑ controlled ❑ stabilized ❑ unregulated ❑ other_____

❑ I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can ❑ counsel tenants, ❑ do office work, ❑ lobby public officials, ❑ attend rallies/protests.

Name

Address Apt. No.

City State Zip

Home Phone Number Email

Send your check or money order with this form to:
Metropolitan Council on Housing, 339 Lafayette St., NY, NY 10012